

Planning Staff Report

Prepared By OMNNI Associates

Associate Planner – Adam Sayre

For the Town of Brooklyn, Green Lake County, WI

December 12, 2005

APPLICATION:

Preliminary Plat – Sunnyside Acres Silver View

Wisconsin Realty Development – Christopher Murawski

FACTS OF CASE:

Wisconsin Realty Development is seeking approval of the Sunnyside Acres Silver View preliminary plat. The applicant proposes to divide the 49.57 acre parcel into 39 lots for development. All proposed buildable lots are a minimum of 20,000 square feet and are at least 100 feet wide.

The applicant proposes to create Outlot 1 (13.13 acres) to be used as a recreational common area with each lot owner having 1/39th ownership. This parcel will require a future rezone and conditional use to allow recreational use of this parcel.

The Town of Brooklyn Comprehensive Master Plan Map shows this parcel as a future residential area. This subdivision is consistent with the plan recommendations.

ORDINANCE REQUIREMENTS:

On November 3, 2005 the developer presented a concept plan to the Planning Commission with Town Board members also present. At that meeting, OMNNI Associates presented a staff planning/zoning report detailing requirements. The following requirements have **now been met**:

- 4.1.1c – *Before submitting a Preliminary Plat for approval, the Subdivider is required to prepare and present a Concept Plan and a Preliminary Environmental Assessment Document to a panel...*
- 4.1.2 – *Applicant shall provide fourteen (14) copies of the preliminary plat together with all necessary fees at least thirty (30) days prior to the meeting of the Planning Commission...*
- 4.1.5 (c)(1) – *Soil boring, soil pit, and soil saturation observation pipe data and profile descriptions, in a format prescribed by Chapter Comm 85, Wisconsin Administrative Code, with elevations referenced to the vertical datum established for the preliminary subdivision plat.*
- 4.1.5(e)(1) – A “use statement” be submitted
- 4.1.5(e)(2) – A “Draft Developer’s Agreement” be submitted
- 4.1.5(e)(4) – A “Soils Investigation Report” be submitted
- 4.1.5(e)(5) – A “Environmental Assessment Report” be submitted
- 4.1.5(e)(6) – A “Stormwater Management Report” be submitted
- 5.4(b) – *Indicate the approximate building pad location and the direction of the stormwater flow on each lot with arrows in the proposed subdivision plat.*
- 5.7(k) – Land Remnants. All land remnants below the minimum lots size left over after subdividing of a larger tract, must be added to adjacent lots.
- 6.2(a) – Proposed Grades. *Proposed grades shall be reviewed by the Town Engineer for conformance with Town standards and good engineering practices.*
- 6.5(a)(1) *Ditches shall be constructed according to Town standards and good engineering practices, and shall be reviewed by the Town Engineer.*

The Town appreciates the developer meeting the above ordinance requirements, however the following issues have **yet to be addressed**:

- 4.1.5 (b)(6) – *Shape and location of primary and replacement soil absorption area for each lot...*
 - All replacements areas have not been shown.
- 4.1.5(c)(3) – *Proposed elevations of primary and replacement infiltrative surfaces for each lot.*

- All replacement areas have not been shown.
- 5.1.5 – Proposed Streets. *Proposed streets shall extend to the boundary lines of the proposed subdivision plat, unless prevented by topography or other physical conditions or unless, in the opinion of the Town Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision plat or the advantageous development of the adjacent land.*
 - Grant Court still does not extend to property line.
- 5.2(f) – Cul-de-Sac Streets. *Permanent cul-de-sacs shall only be used when future road extensions appears unfeasible due to environmentally or physical conditions.*
 - Silver View Court and Grant Court are cul-de-sacs. No un feasible environmentally or physical conditions appear to be present to prevent the extension of these cul-de-sacs.
- 5.7(f) Flag Lots. *Flag lots (e.g. lots designed with a narrow “flagpole” access area opening to a wider are for the building site) shall be prohibited in the Town of Brooklyn.*
 - The Public Access Easement lot has increased in width, but it is still a flag lot.

RELATION TO THE COMPREHENSIVE PLAN

The Town of Brooklyn Comprehensive Master Plan Map shows this area as residential, but does not provide any more details for this site (e.g. road layout, etc.) However, the Town’s plan does provide overall goals dealing with housing and natural resources. The following goals are listed in the plan and should be considered with this application:

- Encourage the addition of a landscaped buffer between the edge of a new subdivision and the road right-of-way.
- Construction should be avoided in environmentally sensitive areas.
- Avoid “pyramiding” development around the Lake.
- Limit development of condos and apartments on the Lake to reduce multi-pier usage.

ADDITIONAL PLANNING/ZONING CONSIDERATIONS:

The Planning Commission should also consider other issues/concerns with Sunnyside Acres Silver View.

1. **Driveway access on Sunnyside Drive** – Sunnyside Drive is known in the area as a well-traveled traffic route for people traveling between Ripon and Green Lake. The road can be quite busy at times and traffic volumes will continue to increase in the future. It is recommended the developer NOT allow driveway access from individual lots directly to Sunnyside Drive.
2. **39–onsite wastewater treatment systems** – At this time, Sunnyside Acres Silver View does not have access to municipal water or sewer. In the future, water and sewer may be extended to this area, but there are no plans in place at this time. With that being said, the developer is strongly encouraged to consider clustered sanitary systems and shared wells using innovative technologies permissible under Comm. 83 (e.g. recirculating sand & gravel, Living Machine, etc.)

With 39 proposed lots for this subdivision under 1 acre, an alternative wastewater system is a better, more effective option to serve the community because it reduces potential septic issues associated with the potential for 39 failing septic systems. Systems like recirculating sand and gravel systems, with proper maintenance, are designed to operate in perpetuity, unlike conventional systems that fail. These innovative systems have been around for more than 100 years in Minnesota.

Along with 39 onsite sanitary systems, there will be 39 onsite wells. 39 individual wells can potentially reduce the water supply and increase the chances for water contamination. The developer is encouraged to consider shared community wells for the development.

3. **Soil Absorption Area for Lots 33 and 34** – This outlot is the proposed soil absorption area for lots 33 and 34. Any sewer lines for these homes will be located under Silver View Circle. The Town should not support the use of this outlot as a location for individual sanitary systems. However, the Town will support a clustered sanitary system on the outlot that serves multiple dwellings.
4. **Grant Cul-De-Sac** – This cul-de-sac should be removed and replaced with a “dead-end” at the property line. This will allow a possible road extension if the adjacent parcel were to be developed. This extension will increase connectivity and allow for easier movement of pedestrians and traffic.
5. **Pyramid Development** – From the maps, this development appears to be a keyhole or pyramid development. The Town of Brooklyn Comprehensive Master Plan expressively discourages pyramid development. The WDNR states a keyhole development occurs when one shoreline lot serves as an access point for several “backlots” (“backlots” do not abut the water). If not properly managed, a subdivision development in which several lots have access to the water through a lot abutting the water has the potential to:
 - a. Adversely affect the natural beauty of an area by accommodating high boat and vehicle traffic and clearing of shoreline vegetation.
 - b. Have a detrimental effect on the ecology of the near shore zone by increasing boating traffic within the lake system.
 - c. Increase user conflicts and overcrowding.
 - d. Increase the amount of polluted runoff entering the waterway¹.
6. **Environmental Impacts** – The Town should consider any potential environmental impacts prior to the approval of any plat on this property. This would include drainage issues related to stormwater runoff. A preliminary review by OMNNI engineers indicated possible issues on lots 2 through 6 draining into future houses located on lots 19 through 22.

¹ <http://www.dnr.state.wi.us/org/water/fhp/lakes/fs14.htm>

Drainage easements along lot lines should be shown on the plat restricting development and the placement of fill materials. The Town is encouraged to have an engineer review the Stormwater Management Plan and plat to ensure compliance with applicable rules.

ROLE OF THE PLANNING COMMISSION:

To review the application and study the appropriateness of the action based on the Town of Brooklyn Comprehensive Master Plan and applicable codes and ordinances. To consider comments and suggestions from residents in the Town. To provide a recommendation on the matter to the Town Board.

OMNNI RECOMMENDATION ON APPLICATION FOR TOWN CONSIDERATION:²

Denial of this preliminary plat – as submitted – due to:

- *Plat does not meet ordinance requirements as stated above;*
- *Plat does not meet the requirements of the Town of Brooklyn Comprehensive Plan. Specifically relating to:*
 - *Encourage the addition of a landscaped buffer between the edge of new subdivisions and road right-of-way;*
 - *Avoid “pyramiding” development around the lake*

A revised application for this subdivision that adheres to the Town’s zoning ordinance requirements and provides all necessary information for review could be approved for this site.

² OMNNI Recommendations are based on professional planning staff review of application materials provided to OMNNI. The final decision is to be made by the Town based on facts and testimony received during their public meeting. This report provides information and opinion for Town consideration.